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MAINE AQUACULTURE :

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PUBLIC MEETING :

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Pursuant to notice, the above-entitled public meeting was held April 5, 2001, commencing at 5:00 p.m.

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1 P R O C E E D I N G S

2 MR. MILLER: I'd like to thank you all for
3 coming to APHIS' third public meeting conducted in
4 Michius, Maine, on this fifth day of April. I would
5 like to welcome and introduce the head table to you.
6 Maybe some other people will join in later.

7 But for now, I am proud to present Dr. Bill
8 Schmidt to you. He covers the -- region and he would
9 be the one in most cases that you would contact for
10 APHIS services in your area. I'm very proud to have
11 him with us today, he'll give you welcome remarks.

12 And as I often do, I skipped to say about
13 myself, but I'm Otis Miller. I'm a veterinarian as
14 well and my title is National Aquaculture Coordinator.
15 So we would like at this point to follow through in
16 this fashion.

17 As to the welcome remarks, I will give a
18 brief presentation to bring you up to speed on what has
19 been done because often times we have people that may
20 not have been familiar with APHIS and what its role has
21 been in aquatic animal health.

1 After that we will have an explanation -- to
2 the presenters of what they would need to do and how
3 they should present. The presenters will be called by
4 a list. We have in our public notice in the Federal
5 Register that you were called in by the phone numbers
6 and for those that did that, you will be called first.
7 And we do have two people that have called in, and they
8 will be called in that order. After the two that have
9 phoned in, then we'll then go by the list as you sign
10 up.

11 Also when we finish, we reserve the right to
12 end it when no more comments are available to be made.
13 We're scheduled now from 5:00 to 8:30, but we could get
14 through sooner. We do have the press here, so as you
15 can see, and we also have the fish farming news here as
16 well.

17 So again, we welcome you here, we thank you
18 for your participation and we will begin the welcome
19 with Dr. Schmidt.

20 DR. SCHMIDT: Thank you, Otis. Well,
21 welcome. On behalf of the administrator of APHIS, Dr.

1 Craig Reed and also Dr. Alfonso Torres, the Deputy
2 Administrator for Veterinary Services, we want to
3 welcome you to this, the third of eight public meetings
4 on aquaculture.

5 I'm going to read a statement to you this
6 afternoon on behalf of APHIS Veterinary Service and
7 while I do so, please bear with me. It's not very
8 long, we should get through this rather quickly.

9 On Thursday, January 25th, APHIS held the
10 first in a series of eight public meetings to discuss
11 the role the agency should play in protecting and
12 promoting the health of U.S. aquaculture. This is the
13 third such meeting.

14 We are holding these public meetings around
15 the country to follow up on our advanced notice of
16 proposed rule making and request for comments which was
17 published in the Federal Register in May of 1999.

18 At that time we indicated we were considering
19 the possibility of designating farm raised fin fish as
20 livestock and established programs and regulations for
21 such animals.

1 It was clear from the comments we received
2 that many aquaculture producers support the idea of
3 defining farm raised fin fish as livestock and are
4 interested in the services APHIS can provide.

5 What was not clear from the comments was
6 which segments of the industry want to access our
7 services and to what extent. The aquaculture industry
8 is as diverse as any other sector of the agriculture
9 industry.

10 Many varieties of domesticated fin fish are
11 produced for export, domestic consumption, ornamental
12 purposes, and for use as bait. There is also the
13 shellfish industry. Our aim is not to impose our
14 services on those who don't want them or see them as
15 unnecessary or undesirable. Rather we want to work
16 with the aquaculture industry for those who feel that
17 we have services who could be of use to them.

18 The goal of this public meeting is to discuss
19 industry and public needs and how APHIS might meet
20 those needs. Many comments on our notice expressed
21 interest in pursuing negotiated rule making, a process

1 where industry representatives and other interested
2 parties meet with agency officials and draft proposed
3 regulations together.

4 Unfortunately negotiated rule making is not
5 practical for all situations. The process works best
6 when there is a small number of stakeholders with
7 similar if not identical concerns. We believe that the
8 aquaculture community is too large and too diverse for
9 negotiated rule making to be effective or efficient.

10 Indeed aquaculture is the fastest growing
11 segment of the animal production industry. Between
12 1983 and 1994 the market growth for U.S. aquaculture
13 increased by 120 percent and it continues to increase.

14 The industry now accounts for more than
15 180,000 jobs and has an economic impact of more than
16 5.5 billion dollars. Accordingly, agency officials
17 designed the public meetings to allow industry and the
18 public to tell us what kind of regulations, if any, it
19 wants.

20 Our agency's mission is to protect the health
21 of U.S. agriculture. We prevent the introduction of

1 foreign diseases and pests in a safe international
2 trade of aquaculture commodities.

3 In carrying out this mission, the veterinary
4 services programs, the National Center for Import and
5 Export evaluates a request for live animals and animal
6 products to determine whether there are pest and
7 disease risks associated with importing these
8 commodities.

9 Some products and animals may be allowed
10 under specific circumstances. For example, there may
11 be some specific quarantine periods, testing or health
12 certifications that may be required. Other products
13 and animals may be considered to pose too great a risk
14 and not be allowed entry at all.

15 Our veterinarian services program also works
16 to eradicate certain animal diseases that are already
17 established in the United States and monitors outbreaks
18 of new or existing diseases. Additionally, we regulate
19 veterinary biologics to insure that they are safe,
20 potent and pure.

21 APHIS presently works with aquaculture

1 producers in some of these areas. We provide
2 laboratory diagnostic and health certification services
3 for export, licensed fish vaccines and other biologics,
4 and control wildlife damage caused by birds and other
5 animals.

6 To support health certification activities,
7 veterinary services approves laboratories to perform
8 specified diagnostic tests for aquatic animals and
9 animal products intended for export. We provide this
10 service in response to importing countries' requests
11 that diagnostic tests be performed by USDA approved
12 laboratories.

13 Most countries recognize APHIS as the
14 official competent authority in the United States with
15 jurisdiction over export animal health certification
16 and diagnostic testing of animals for export.

17 We would like to be able to do more to
18 promote U.S. aquaculture and to protect it from foreign
19 disease, just as we work to protect animals
20 traditionally defined as livestock from such threats.

21 We have been very successful in keeping out

1 such devastating disease as Bovine -- encephalopathy,
2 also known as Mad Cow Disease. The effects of this
3 disease continue to be felt throughout Europe.

4 By acting quickly to impose restrictions and
5 other preventative measures, APHIS has been able to
6 protect our livestock resources from this threat.
7 However, in the case of infectious salmon anemia, ISA,
8 our involvement is limited to supporting Maine's effort
9 to monitor for this disease and improving the
10 production of vaccine that protects fish from
11 contracting ISA.

12 If farm raised fin fish are defined as
13 livestock, APHIS could extend the services it currently
14 provides to other aquaculture producers. We will
15 proceed based on what you tell us at these public
16 meetings. Our goal is to help the industry remain
17 healthy and expand markets abroad as it continues to
18 grow. Thank you very much.

19 MR. MILLER: Thank you very much, I
20 appreciate it. Now for the presentations. What I'd
21 like to do and I apologize for keeping my seat, but

1 these are the milestones basically where we've
2 accomplished and you can see the years for each one.

3 Basically what I want to point out though is
4 from the 1995 and 1997, you may not be aware that we
5 had industries, all -- species come to Washington to
6 speak to us and to give us direction and guidance of
7 what they felt their needs were. This consisted of
8 break out groups and sessions where we collected
9 information and also provided summaries of the minutes
10 which they gave us feedback from.

11 As we continue from this process that grew
12 out of survey which you've heard that name Dr. Pitts,
13 he had conducted the survey. He gathered information
14 not only from the industries, but from APHIS as well of
15 what the needs were on both sides.

16 Consequently from that, we issues two
17 memorandums. -- 567.1 is the procedure that is used
18 for certification for health certificates for
19 international exportation. 567.2 are the requirements
20 for a laboratory list approved to conduct the
21 diagnostic tests for international exportation.

1 Based on the industry's information and
2 feedback that they gave us, we further went to draft a
3 strategic plan. This strategic plan is circulating
4 through the industry and has been doing so over the
5 last year, giving us comments back that we're updating
6 and going to revise it so that we can incorporate what
7 they told us.

8 Now of course I mentioned earlier about the
9 21 petitions that we received asking APHIS to
10 promulgate rules and regulations for designating farm
11 raised fin fish as livestock and we responded by a May,
12 1999 advanced notice of proposed rule making.

13 All this material and responses of the
14 comments as well is available for you to review at your
15 leisure here at the table.

16 So far from the feedback from the industry,
17 this is the priority that they have given us for the
18 goals that they would like to be done as outlined in
19 this strategic plan. You can basically read this and
20 so I won't, but I do want to emphasize that you can see
21 the immediate need for the industry -- and therefore

1 they have items of interest that they would like to
2 address immediately. There is also interest where they
3 would like to see all the other top three done before
4 we address interstate commerce issues.

5 Now this is something that I hope you can
6 follow because very few people can understand it, but I
7 think this graph may help. All right. Every agency
8 goes through this process, this is what we have to do.

9 To try and clear it up if I can, we start out
10 with the advanced notice of proposed rule making, the
11 far item to my right. The next step would have been
12 one of these three. You heard Dr. Schmidt already
13 mention the negotiated rule making because of the
14 complexities, the expense, and the fact -- consensus.
15 Well it is an option that we can't use at this time.

16 So the next route we would use would be
17 proposed rule or final rule. To get to that, though,
18 we have to -- don't really have to, but we're choosing
19 to because of the diversity of the industry and the
20 industry has explained and made it clear to us which is
21 basically the way we do business to get input. We're

1 have eight public meetings to gather that information.

2 It won't take the place of negotiated rule
3 making, but it will provide the opportunity for you to
4 have your say as you would have had in negotiated rule
5 making. So with that, that information will be taken
6 to allow us, APHIS, to draft a proposed rule.

7 That proposed rule will go back out -- which
8 you have 60 days or more to comment on. With the
9 comments included on that, APHIS will come back and
10 publish in the Federal Register what it calls a "final
11 ruling." That is the process that this rule making
12 procedure will go.

13 We are not in rule making right now, we're
14 doing a public hearing or public meeting. I hope that
15 is helpful to you. We try to explain it many different
16 times and this is the best I can try to do with it in
17 this format.

18 I want to get right down to what has been
19 said. As I talk to you about the May 1999 advanced
20 notice proposed rule making, we got 55 comments. You
21 can see where they came from basically. But I want to

1 show you also the question and the response to the
2 questions.

3 Now let me back up just a little bit for the
4 comments. For the comments, we know a lot already what
5 has been said to us. But what was not clear to us and
6 what we'd like for you to address is these three
7 questions as you come to speak with us.

8 Your comments does not have to be limited to
9 these questions, but we still have a need to know these
10 three things. So in your comments to us today if you
11 could at least tell us whether you want the program
12 voluntary or mandatory, that would be helpful to us.
13 If you could also tell us whether you want the
14 ornamental fish industry included. We have a clear
15 understanding of fin fish with food fish, but hopefully
16 there may be someone, I doubt it, but there may be
17 someone from the ornamental fish industry that can
18 speak on their behalf.

19 And then of course shellfish has also shown
20 an interest, and in Maine I would like to hear some
21 comments from the shellfish industry. Do they feel

1 they need these services as well? Here are the
2 questions.

3 Should APHIS promulgate rules and regulations
4 for domestic fin fish only? The response was yes. But
5 also they said include aquatic species and they wanted
6 a separate section in the regulation specifically
7 addressing them.

8 The second question, prevent interstate
9 spread of diseases and pests of any aquatic species.
10 The response at this time was based on 1999. And so
11 this should be the least area to look at, avoid
12 duplication -- state rights. The National Poacher
13 Improvement Plan was considered and mentioned many
14 times as a model to look at.

15 The word "facilitation" came up in this
16 regard, to facilitate the movement of aquatic -- and
17 recognize the role of the state veterinarian in this
18 process.

19 How should APHIS conduct rule making? Now
20 most people wanted negotiated rule making as you can
21 see from about 35 comments, so we've already addressed

1 that. So I'll just -- we can go on past that, we won't
2 be able to do that. But these public meetings will
3 provide a forum where you can give your comments up
4 front and have your input documented as a transcript is
5 available to the public.

6 Develop -- should APHIS develop any
7 regulatory programs for control of the existing
8 disease? Now at this time, in '99, the comments came
9 that basically they didn't feel that there was anything
10 they couldn't about good management practice.

11 Now in 2001 with the issue of ISAD, we may
12 rethink that. Maybe there are some things that we
13 could do. I'm not concerned about whether there's
14 eradication of control, but what can be done and what
15 should be done based on just what we've heard today.

16 Should APHIS expand its services to
17 aquaculture? Again, a very strong "yes" with other
18 things. Limited, but with funding, and then we are
19 recognized as the official authority of the OIE. And
20 also to define -- the new term came out, regulatory
21 definition for aquatic livestock so that some of the

1 concerns of people wanting fish not to be named
2 livestock because of EPA concerns or some things of --
3 and so forth. To -- the term "aquatic livestock."

4 Second, the International Aquatic Animal
5 Health Program developed indemnity and regulatory
6 programs and established national representatives.

7 To prevent introduction of diseases and
8 pests, I was pleased to see this one because when we
9 started back in '95, this did not seem to be a concern.
10 Now we're getting a very strong consensus that we
11 should protect our aquaculture industries in the U.S.
12 from foreign disease and pests which in this case ISAD
13 would fall in that category.

14 Some of the U.S. producers as we speak this
15 moment cannot ship their product now because of ISAD on
16 the east coast, yet product on the west coast cannot be
17 shipped out of the United States.

18 The protection would include not only wild
19 stocks, but also cultured stocks. And also import
20 protocols of what should come into our country to cross
21 our borders. I don't have the time to tell you how big

1 that is at this point, but we can discuss that off
2 line.

3 So where do we go from now? Continue
4 information exchange such as these public meetings. An
5 advisory committee was mentioned to have. And then of
6 course if we take the next step based on the comments
7 we hear, it will be a proposed rule, then to a final
8 rule.

9 Now the contact information if you do need to
10 further contact us, as a matter of fact we will
11 continue these public meetings through October, so you
12 have the opportunity to send written comments to us up
13 until that point in time. So these are the contact
14 points for information, web site address, e-mail
15 address, phone numbers, fax numbers, feel at liberty to
16 take those.

17 This includes this slide presentation and
18 brings us up to speed of what APHIS has done since
19 1995. Now I want to give, Dr. Schmidt if you'd come
20 back to the podium, I'll cut the AT off and then we'll
21 give the presenters now information and instruction on

1 what they should do.

2 I'll leave it up for just a few minutes, I
3 see some people writing and I'll go ahead and get the
4 presenters information now and then I'll cut that off
5 just before then.

6 We do have the transcripts from Florida as
7 well as Kentucky already on our web site. The web site
8 address is kind of long, but I'm going to give it
9 anyway because some people really want it, so I'm going
10 to take the time and read it to you. The web site
11 address is, and you know the w's,
12 .APHIS.usda.gov\ppd\rap\webrepor.hpmao

13 That will take you right to the site where
14 the transcripts are and where all the other transcripts
15 will be posted.

16 VOICE: Could yo repeat that?

17 MR. MILLER: I'd be happy to. Okay, sure,
18 I'll repeat the whole thing.

19 .APHIS.usda.gov\ppd\rap\ebrepor.hpmao

20 For those that came in after I made these
21 comments, sometimes in these public meetings, things

1 are said and you want to make comments based on what
2 was said. I still have the sheet here, you just come
3 down at your convenience and sign it. I call by this
4 list, so as a presenter is making his presentation or
5 her presentation, they have to finish making it, they
6 can't be interrupted, they make their complete talk.

7 In that talk, please address the three
8 questions I mentioned earlier. When you get up, give
9 your name, organization that you are with, and then go
10 ahead and make your presentation. If you want to turn
11 in hard copies of what you said to us, we more than
12 welcome those. We're really particularly interested in
13 scientific data and hard facts that you can give us to
14 help direct us in the way that we should go for aquatic
15 animal health. So if you want to refer to something
16 you'll send us later, please do so.

17 We asked people in the Federal Register
18 notice, we asked people to call in and give their name,
19 company and what they wanted to talk about and how long
20 they would be. And we said those that called in would
21 get first preference, so we will follow that order and

1 then go to those who signed.

2 As I call your name if you are present,
3 please just step forward and you can begin your
4 presentation by giving your name and your company.
5 Robert Herber with the Coastal Water Project of
6 Rockman, Maine, are you here? Nancy Oder of Queene,
7 Maine, are you here? Patricia Barbash, U.S. Fish and
8 Wildlife Service, are you here?

9 MS. BARBASH: Yes. Thanks, Dr. Miller.

10 MR. MILLER: You're welcome.

11 MS. BARBASH: Good evening, my name is
12 Patricia Barbash and I'm here representing the U.S.
13 Fish and Wildlife Service. I presently work out of
14 Fish Health Center in Lamar, Pennsylvania. Our center
15 provides fish health inspection, diagnostic and
16 extension services to our federal hatcheries and
17 programs throughout the northeast and the south central
18 U.S.

19 The following comments are a formal response
20 by the U.S. Fish and Wildlife Service to docket number
21 98-085-1 which is the advance notice of proposed rule

1 making we're here for tonight. We appreciate the
2 opportunity to provide comments and we're confident
3 that this rule making will assist the American
4 aquaculture community while at the same time assuring
5 the viability of our treasured natural resources.

6 In general, the Service considers the
7 proposed rule making to be of merit with the potential
8 to serve our domestic aquaculture community in a
9 positive manner. We do however have some concerns that
10 the proposal may have negative potential as well.

11 To very briefly summarize our concerns, the
12 Service believes that to optimize the positive
13 contributions of this proposed rule making will require
14 that the U.S. Department of Agriculture Animal Health
15 Inspection Service establish such rules only after
16 direct consultation with the service.

17 We believe that a significant number of
18 potential components of your proposed rules could
19 conflict directly with laws and regulations which
20 govern the Service's day to day protection of our
21 nation's fish and wildlife resources.

1 And the more specific comments now follow.

2 One, the federal agencies mandated to protect our
3 nation's natural aquatic resources, the U.S. Fish and
4 Wildlife and also the National Marine Fishery Service
5 should be involved in any rule making and/or policy
6 developing process. The outcome of which has the
7 potential to impact our natural aquatic resources.

8 Rules should be promulgated only with the
9 concurrence of both agencies.

10 Point two, there currently exists within 50
11 CFR Section 16 regulations addressing movement of
12 aquatic species, in particular those which require
13 agencies with jurisdiction, i.e., the state, to have
14 control over the release of such species into their
15 jurisdictional waters.

16 The Service is concerned that the proposed
17 APHIS regulations appear to be redundant with those
18 already defined in 50 CFR Section 16 and we recommend
19 that APHIS work closely with the service to insure that
20 the proposed rule appropriately complements and
21 supplements our responsibilities under Section 16,

1 rather than complicate our tasks.

2 Any attempts to establish national
3 regulations with state specific variances must include
4 input beginning from the onset from all stakeholders
5 including all segments of the regulated industry. The
6 history of previous failures, all which excluded one or
7 more of the affected party would argue strongly to be
8 all inclusive in your endeavor.

9 The Service is charged with protecting and
10 recovering endangered and threatened species for future
11 generations. Executive Order Number 13112 of February
12 1999 which addressed injurious species was signed by
13 President Clinton and defined specific obligations of
14 federal agencies to make sure their actions do not
15 negatively affect other programs.

16 Federal agencies must coordinate their
17 activities to insure that the spread of injurious
18 species is minimized. The Service is concerned that
19 the proposed rule making will negatively affect our
20 efforts to recover threatened and endangered species
21 and affect our ability to monitor the wildlife.

1 The Service is also concerned about APHIS'
2 level of staffing and/or funding for this proposal. In
3 addition, the Service is concerned to whether there is
4 a proper level of commitment needed to insure that
5 aquatic injurious species, diseases and other organisms
6 will not be introduced into ecosystems to wreak havoc
7 on native species.

8 We recommend that APHIS work closely again
9 with the Service to insure that the proposed rule not
10 only complied with Executive Order 13112, but sets in
11 place procedures that will provide adequate protection
12 for federally listed species.

13 APHIS should determine during the course of
14 developing a proposed rule or other mechanism whether
15 adoption of a regulatory program is likely to affect
16 any listed species. If the program may affect listed
17 species, consultation with the Service under Section 7
18 of the Endangered Species Act is required.

19 The proposed APHIS rule making must be
20 compliant with the National Environmental Policy Act as
21 it relates to endangered species.

1 Here is the point about the all species
2 dilemma. The proposed policy should include all
3 aquatic species, including invertebrates and imported
4 tropical fish. From a commercial perspective,
5 invertebrate movements, live or dead products into and
6 within the U.S. may have the greatest potential impact
7 on U.S. aquaculture.

8 The bait and tropical fish industries must be
9 included as well, considering the significant potential
10 impact on wild and native fish populations. To ignore
11 such subsectors would be illogical because these
12 species may very well be vectors for fin fish diseases,
13 not to mention potential danger to our wild native
14 population of related species.

15 In regards to infrastructure and resources,
16 the Federal Register notice has been interpreted to
17 reference an existing APHIS infrastructure -- proposed
18 services based on this infrastructure in addition to
19 this infrastructure. It is unclear as to what present
20 infrastructure comprises and what will be added.

21 Additionally, the Service is concerned as to

1 the source of such new resources and the time frame for
2 placing these on line. The ramp of time and cost to
3 achieve the proposed may be substantially longer and of
4 greater cost than implied.

5 The Services is also concerned about the cost
6 of health certification to be presumably defined in the
7 proposed APHIS regulations and whether this will be
8 born by the commercial producer or USDA. If the latter,
9 we are concerned about the availability of these funds.
10 If the former, the Service has some concerns about
11 placing a burden on farmers that might be so -- to
12 discourage compliance.

13 Although fish health services and
14 certification for private commercial sector is normally
15 beyond our present capabilities, the U.S. Fish and
16 Wildlife Service is still better equipped than APHIS to
17 accomplish this task, given our existing facilities and
18 expertise.

19 It would appear to be illogical to create a
20 completely new aquatic animal health system to serve
21 the nation when such infrastructure presently exists

1 within the Service. We recommend that the Departments
2 of Agriculture and Interior work jointly to secure the
3 additional resources needed by the Service to meet the
4 aquatic animal health needs of the commercial
5 aquaculture.

6 If regulations are promulgated that include
7 disease control programs, APHIS should consider
8 including methods and means for indemnification of
9 stocks that must be destroyed to control the spread of
10 disease.

11 The Service is concerned as to whether the
12 proposed regulations regarding the movement of fish
13 within the states and intrastate and interstate
14 commerce will be voluntary or mandatory. If the
15 latter, APHIS should identify the source of resources
16 needed to monitor and maintain compliance.

17 In regards to jurisdiction, the
18 reclassification or lumping of organisms such as clams,
19 aquatic plants, alligator, tropical fish and fish
20 raised for human consumption as general farming based
21 on petitions from the aquaculture industry may be too

1 simplistic.

2 The Service defines these organisms
3 separately and inspects commercial imports to insure
4 federal laws are followed and monitor levels of trade
5 through international treaties such as the Convention
6 on International Trade and Endangered Species.

7 Actions to general classify groups of
8 organisms as APHIS has proposed will add another layer
9 of oversight to a process that is already complicated.
10 As an example, the aquarium trade is a big business
11 that generates millions of dollars annually for
12 importers.

13 Commercial collection of tropical fish in
14 other countries is sometimes accomplished illegally,
15 impacting whole populations of organisms and the long-
16 term health of ocean ecosystems, all for commercial
17 gain.

18 The Service has concerns about these
19 activities and -- in which rare species that are
20 prohibited from importing to the United States can be
21 smuggled in with other specimens. The Service will

1 oppose any action by APHIS to reclassify this commodity
2 in an effort to ease restrictions and requirements on
3 commercial importing if such reclassification affects
4 service, inspection and enforcement operations.

5 We recommend that APHIS work closely with the
6 Service to insure that the proposed rule neither
7 complicates our responsibilities under international
8 trade agreements, nor reduces our abilities to comply
9 with those same international trade agreements.

10 APHIS jurisdiction in existing or future
11 statutes and regulations should not extend beyond
12 commercially reared aquatic species. The proposed rule
13 must not -- jurisdiction of species other than those
14 commercially reared.

15 State jurisdiction. Some states presently
16 regulate intra and interstate movement of commercially
17 reared aquatic species, but may depend in large part
18 upon long -- compliance. The Service is concerned
19 about how the proposed APHIS regulations will mesh with
20 existing state regulations.

21 The Service is also concerned about the

1 existence of new federal regulations adding an
2 unnecessary and complicating layer to the present
3 regulatory requirements. It is possible that the only
4 way a federal fish health and certification policy
5 would work would be to define minimum standards, even
6 though approximately 40 states already have more
7 stringent requirements currently in place, taking into
8 consideration such individual state's needs relative to
9 the restriction of fish movement into and through their
10 jurisdiction.

11 The Service has concerns about how APHIS will
12 propose to address these legitimate state specific
13 needs and at the same time establish new policy that
14 will be considered value added. We recommend that
15 APHIS work closely with the service and all states to
16 insure that the proposed rule not only assists
17 commercial fish farmers in the sale and movement of
18 their products, but does not negatively impact the
19 state specific regulations currently in place.

20 In regards to benefits and costs, the
21 proposed regulations must not only benefit commercial

1 aquaculture, but must protect both our wild and native
2 populations of fish and jurisdictional fish.

3 Policies and services proposed in the rule
4 must be equitable for all regions of the country. They
5 must equally benefit commercial straight -- farmers in
6 Louisiana as well as trout farmers in California. Any
7 benefits to the commercial aquaculture industry must
8 not come at the expense of losses to natural aquatic
9 resources.

10 And again we thank you for the opportunity to
11 offer these comments. We look forward in working with
12 you with an effective rule making.

13 MR. MILLER: Thank you for your comments, I
14 appreciate that. I would like to make a comment. That
15 record has been made three times now, the same exact
16 statement. Would you please take that and tell the
17 administrators we've got it, but if there is any
18 solutions that they want to give us --

19 MS. BARBASH: Okay.

20 MR. MILLER: -- and the public meetings are
21 also -- they are working together. They are a

1 collaboration. So if they want to bring that into this
2 setting, that's what this is for.

3 MS. BARBASH: Okay.

4 MR. MILLER: So we've got that and I respect
5 that, but you may want to give us a little bit more
6 because we've got that down.

7 MS. BARBASH: Okay.

8 MR. MILLER: But thank you so much. I'm
9 going to go back, a few people came in. Just to honor
10 as we said in the Federal Register, those that came and
11 called in first.

12 Has Robert Herber of the Coastal Waters
13 Project of Rockman, Maine, arrived yet? Okay. Has
14 Nancy Oder of Queene, Maine, arrived yet? Okay, thank
15 you. Next we have Sebastian Vail of the Maine
16 Aquaculture Association.

17 MR. VAIL: Thank you, Dr. Miller.

18 MR. MILLER: It's a pleasure to have you.

19 MR. VAIL: I'd like to make some very brief
20 comments and then the association will be submitting
21 detailed comments in writing to the agency within the

1 next month or so.

2 MR. MILLER: I know I said it for you, but
3 for the recording, would you go ahead and indicate who
4 you are?

5 MR. VAIL: Yes. My name is Sebastian Vail
6 and I'm the Executive Director of the Maine Aquaculture
7 Association. The Maine Aquaculture Association
8 represents both freshwater and saltwater fin fish
9 growers and saltwater shellfish growers. We also have
10 amongst our membership infrastructure companies,
11 including companies that do disease testing.

12 As I said earlier, the association would like
13 to make some very brief comments here and then we will
14 submit some more formal and detailed comments in the
15 next month or so.

16 In general, the industry supports the USDA's
17 participation in aquaculture and in particular we
18 understand clearly that USDA as an agency understands
19 production as an operation, as an entity and counter to
20 some of our other federal agencies that are involved in
21 management of aquatic animal resources. USDA has a

1 particular perspective, excuse me, that matches very
2 nicely with the farming enterprise.

3 We also believe that USDA has demonstrated
4 over the years a good balance between both regulatory
5 and control responsibilities and between the promotion
6 of private entrepreneurial activity.

7 So in principle, we view USDA's involvement
8 favorably. We also believe that USDA does have a broad
9 range of existing programs that will quite likely be
10 helpful to the aquaculture industry.

11 Having said that, we do have a number of
12 concerns and I would like to talk just briefly about
13 those and then we will reference these concerns in our
14 written comments.

15 In particular, we have some concerns with
16 respect to the USDA's involvement in interstate
17 commerce and the potential for duplication and overlap
18 with the U.S. Fish and Wildlife's Title 50 authority.
19 This is particularly a case in light of the fact that
20 the Fish and Wildlife Agency has indicated that it is
21 going to go through a revising process and an expansion

1 to significantly broaden the activities under Title 50.
2 We would encourage USDA to coordinate its efforts with
3 the U.S. Fish and Wildlife Service to insure that there
4 is a lack of duplication of programs.

5 We have some concerns also about the
6 relationship between national regulations and state
7 regulations and these concerns are based largely on our
8 experience in recent years, particularly around
9 permitting and the Endangered Species Act. And the
10 fact that historically the state of Maine had always
11 had a local lead role with respect to regulating its
12 aquaculture and in many ways that role has been usurped
13 at this stage of the game by the Fish and Wildlife
14 Service, the Army Core of Engineers and the National
15 Marine Fishery Service. So we are somewhat concerned
16 about the relationship between national programs and
17 national regulations and state regulations.

18 This is particularly true because in the
19 state of Maine we have gone through a fairly lengthy
20 and at times painful process of revising our aquatic
21 salmonid health regulations recently and we put a lot

1 of effort and time into developing those regulations.

2 We support wholeheartedly the concept of an
3 advisory committee as part of this process and would be
4 very willing to participate in that advisory committee
5 either through the association or through some --
6 perhaps some participation by some of our veterinarians
7 from the state.

8 I will point out that not only is Maine the
9 largest marine aquaculture state in the country in
10 terms of the value of its production, but we also have
11 perhaps one of the most active groups of aquatic animal
12 health veterinarians in the nation. We're very proud
13 of that and we feel that they have a lot to offer to
14 the process of development of these rules.

15 Finally I'd like to just reemphasize that we
16 do in principle support USDA's entry into this arena.
17 We do feel that you have a number of programs already
18 in place within APHIS that may be of great help to us
19 and in particular given some recent disease detections,
20 we're particularly interested in programs that allow
21 for indemnification as a tool that is useful in disease

1 management.

2 We also are interested in some of the
3 programs that you have within the agency with respect
4 to past control programs. We believe that sometimes we
5 have been hampered from being able to use these
6 programs in a constructive and proactive manner.

7 We also support the role of USDA in the
8 development of standardized laboratory and diagnostic
9 procedures that are used for quality control purposes
10 with respect to standardizing procedures between labs.

11 I do want to clarify those comments though
12 and say we do not necessarily support the emergence of
13 USDA as a competitor with private sector labs that are
14 involved in inspection and certification programs.

15 With that, I will say thank you very much for
16 coming as far as you have. I know you've made a
17 special effort to do that and we certainly appreciate
18 that. I will look forward to continuing to engage in
19 this process. Thank you.

20 MR. MILLER: Thank you very much. Louis
21 Flagg, Maine Department of Marine Resources? State

1 your complete name and position and who you're with.

2 MR. FLAGG: Sure.

3 MR. MILLER: Thank you.

4 MR. FLAGG: Thank you. My name is Louis
5 Flagg, I'm the Deputy Commissioner for the Maine
6 Department of Marine Resources. I'll be quite brief, I
7 didn't prepare a written statement, but we will provide
8 some written comments later on.

9 I would like to say that we feel that Maine
10 has a unique association of state and federal agencies
11 involved in the Maine aquaculture industry. The Maine
12 Department of Marine Resources has permitting and
13 leasing responsibilities for aquaculture in the marine
14 environment.

15 Both our agency and the Maine Department of
16 Inland Fisheries and Wildlife have licensed
17 veterinarians involved in the protection of wild and
18 cultured fish stocks. We work very closely with other
19 state and federal agencies in seeking advice on fish
20 health issues.

21 Don Honig of the Maine Department of

1 Agriculture and Steve Ellis with USDA APHIS have
2 provided valuable input into aquatic animal health
3 issues that we are faced with here in Maine.

4 They are active participants in the Maine
5 Fish Health Technical Committee made up of state and
6 federal fish health professionals. Infectious salmon
7 anemia and future exotic diseases may require
8 consideration of stock eradication.

9 We believe that USDA is the appropriate
10 agency to deal with indemnification associated with
11 eradication measures. USDA has the history, experience
12 and expertise to deal with this issue which is vital to
13 the Maine aquaculture industry.

14 We support the USDA efforts of -- to
15 establish a regulatory definition for aquatic livestock
16 if this will afford coverage of aquaculture resources
17 under indemnification programs.

18 We also encourage USDA to continue to be
19 involved in and support the cowater marine aquaculture
20 center at the University of Maine at Orano.

21 In terms of controlling the spread of

1 diseases, we believe the state of Maine has a good
2 track record in this area. We will continue to work
3 with our state and federal members on a fish health
4 technical committee to improve our fish health
5 regulations with input from USDA APHIS, the Maine
6 Department of Agriculture, National Marine Fishery
7 Service, U.S. Fish and Wildlife Service, and the Maine
8 Department of Inland Fisheries and Wildlife. Thank
9 you.

10 MR. MILLER: Thank you very much for your
11 comments. Don Hoeing, Marine Department of -- Maine
12 Department of Agriculture?

13 MR. HOEING: My name is Don Hoeing, I'm a
14 state veterinarian with the Maine Department of
15 Agriculture and I've already submitted written comments
16 almost two years ago in response to the advance notice
17 for public rule making.

18 But I'd just like to briefly say that I
19 believe that the USDA is uniquely qualified to enter
20 into the area of aquaculture with regard -- especially
21 with regard to the prevention of the introduction of

1 foreign diseases, foreign aquatic organisms into the
2 United States.

3 USDA has many years of experience in dealing
4 with this issue and terrestrial agriculture and the
5 issues in aquaculture are similar. Aquaculture, after
6 all, is farming and is agriculture.

7 And so I believe that in some way, the USDA
8 should get involved in this area. Also they have
9 personnel, veterinarians, laboratory capacity to help
10 out in this area. And so I just believe that that's
11 one area where USDA should get involved.

12 But by the same token, I believe that before
13 any rule is published, all of the stakeholders need to
14 sit down and decide who does what essentially. As
15 Trish said, the U.S. Fish and Wildlife Service has been
16 involved in this area for quite awhile. The state
17 agencies in this state have been working in this
18 particular area for a long time. So before you do
19 anything, I'd urge you to get all stakeholders together
20 and sit down and really hash out the details. Thanks.

21 MR. MILLER: Thank you very much. Paul

1 Waterstrap? Department of Marine Resources?

2 MR. WATERSTRAP: The Department of Marine
3 Resources has already made a statement and will
4 probably follow with written comments. However, I
5 would like to make some statements as a private citizen
6 who has been involved in aquaculture, management of
7 diseases in the catfish industry, the oyster industry,
8 the salmon industry and lobster industry as well.

9 Currently there is a lack of a viable
10 infrastructure for management of diseases in the
11 aquatic arena, be that aquaculture or the wild. The
12 wild is not for -- there are diseases of every organism
13 present in the wild. The impact of some of those
14 diseases may have significant effects on the population
15 dynamics of those species.

16 Our fishery stocks are currently in difficult
17 situations. We need more information to evaluate how
18 to manage those stocks, we need a mechanism for disease
19 surveillance that's national and we also need a
20 mechanism to evaluate how we manage disease and the
21 effectiveness of management programs. I do not believe

1 they currently exist in the United States. And briefly
2 that's my comment.

3 MR. MILLER: Thank you very much. Larry
4 Hammil -- Veterinary College University PEI? Dan
5 Maxine, Meritime Veterinary Services?

6 VOICE: I'd like to decline.

7 MR. MILLER: I'm having some trouble with
8 this one. Roland Stupak, MSD --? Not here? Okay.
9 Hugh Mitchell?

10 MR. MITCHELL: My name is Dr. Hugh Mitchell,
11 I'm a veterinarian licensed in the states of Maine and
12 Washington. I've been involved in aquaculture my
13 entire professional career, 12 years. I've been a
14 farmer, I've been part of the support industry and I've
15 been a private practitioner in the field, so I'd like
16 to make some comments. I will submit a more polished,
17 written statement later.

18 MR. MILLER: Thank you.

19 MR. MITCHELL: >From the experience I've also
20 been involved in a lot of national committees under the
21 JSA for example that have dealt with aquaculture issues

1 over the years. And so I'm going to make some
2 statements that are opinions, maybe not backed up by
3 fact.

4 And as I see it, regulatory and political
5 impediments are the single biggest obstacles to the
6 continued growth of domestic aquaculture. Because of
7 this, the already five billion dollar plus U.S. seafood
8 deficit, and these are USDA CRS figures, albeit dated,
9 but it's not shrinking.

10 As Maine and Washington salmon farmers watch
11 in envy, industries -- competitive industries in Europe
12 and South America have grown at rates which far exceed
13 our own domestic ones. And the reasons are not
14 economic or cost or production or disease. As I see
15 it, it's an overly burdensome regulatory framework and
16 this is what limits and impedes the growth.

17 So in trying to answer some of your
18 questions, should our program be mandatory or
19 voluntary? One of the biggest problems I see involves
20 the overlapping and confusing regulatory framework,
21 especially on a national scene, and also national and

1 state between USDA, Commerce and Fish and Wildlife and
2 the Army Core. So I don't think the question is not
3 whether it's mandatory or voluntary, but how can the
4 USDA help domestic aquaculture navigate through the
5 current trend work.

6 I'm not going to answer the second question
7 about shellfish, I'll leave that to the shellfish
8 industry. I haven't been involved with that. And as
9 for the ornamental industry, I've had some dealings
10 with the ornamental industry that I wouldn't want them
11 to comment on the salmon industry, so I'll defer that
12 one.

13 But in summary, I guess I'd like to make some
14 points on where I see the USDA can fit into the
15 regulatory framework. Aquaculture does not yet have,
16 at least in the salmon industry a proponent agency for
17 aquaculture on the national level and that's where I
18 see USDA's role.

19 I think as it was mentioned before, they've
20 shown -- agriculture, they can provide a good balance
21 between being a regulator and an advocate and I see

1 transferring that role to aquaculture as being a
2 natural process.

3 I also see them as I mentioned before, being
4 a one-stop shop, helping to navigate the regulatory
5 framework for the farmer. Getting involved with
6 interstate shipment barriers. It seems a lot easier
7 for an accredited vet to get a shipment of livestock
8 from California than it is for a salmon farmer to ship
9 stock within New England states.

10 Voluntary programs like the National Poultry
11 Improvement Program which are producer generated, I
12 guess that is a -- would fall under a voluntary --
13 bringing that to the U.S.V.'s attention for help in
14 turning around and regulating.

15 It has been mentioned before,
16 indemnification. I think it's been shown again and
17 again that disease control programs will not work
18 without indemnification. But on the other hand, USDA
19 should have the responsibility if they're going to
20 shell out the dollars.

21 Aquaculture species, yes, should be defined

1 as livestock. They should be property to -- for the
2 farmer. We also need to be assured that the farmers
3 are protected from the wild fisheries because we are in
4 operating using resources and our livestock are
5 interacting with the wild fisheries and we need
6 assurances that the livestock are going to be
7 protected.

8 So with that, I will thank you for this
9 opportunity to say a few words and I will submit a
10 summary in writing.

11 MR. MILLER: Thank you very much. We look
12 forward to your comments. J.J. Newman, UNEH, I guess
13 that's New Hampshire Cooperative Extension?

14 MS. NEWMAN: I have no comment.

15 MR. MILLER: No problem. Thank you. Carol
16 Jones? This concludes all the names that I have
17 listed. I'll go over once again those that were turned
18 in electronically. Robert Herber? Nancy Oder?

19 At this time is there anyone that would like
20 to sign up to make comments based on what they've
21 heard? You may do so at this point. Please identify

1 yourself, we already have your name.

2 MR. MARA: My name is Peter Mara from
3 Microtechnologies, Incorporated. These comments will
4 parallel comments that I made in Florida last month
5 with a few changes, and hopefully to jump start some
6 other people in this room into making some more
7 comments.

8 I want to thank USDA for providing the
9 opportunity to comment on your developing aquaculture
10 program through this discussion forum. The views and
11 suggestions expressed in this address are for the most
12 part my personal ones, but may at times more generally
13 reflect widely held attitudes I encounter in the
14 aquaculture community with which I deal.

15 I deal as an aquatic species veterinarian for
16 Microtechnologies, Incorporated of Richmond, Maine.
17 MTI is Maine's largest private commercial aquatic
18 diagnostic laboratory and has diverse experience and
19 expertise in detecting pathogens and disease in many
20 fin fish, shell fish and other aquatic species. In
21 addition to providing a wide range of laboratory,

1 clinical and field services to producers of cultured
2 aquatic species, MTI also certifies Maine and Canadian
3 farm fin fish for transfer in all life stages.

4 As a fish health certifying authority, MTI
5 maintains an extensive and updated archive of state,
6 regional, national and international regulations for
7 the commerce of many cultured aquatic species. Our
8 company has many ongoing research and development
9 projects, including fish vaccines, fin fish, crustacean
10 and -- health assessment protocols, pathogenicity
11 investigations, INET coordination, and much more.

12 We corroborate with academics, researchers,
13 private industry and regulators to help develop and
14 optimize many different areas of aquatic animal health
15 management.

16 As both a for profit business enterprise and
17 a scientific resource, Microtechnologies is in a unique
18 position to comment on proposed policy development for
19 aquaculture. I'd like to make clear that MTI is an
20 advocate for the responsible, sustained growth of the
21 field on which our livelihood as a laboratory depends.

1 But as Maine Yankees, we probably would not
2 be worth our salt if we didn't comment that from some
3 of our clients perspective, the less regulation from
4 any agency the better, even when well intended. Over
5 regulation or over centralized regulation has been and
6 continues to be responsible for diminishing the
7 competitiveness of American goods and services in the
8 international marketplace.

9 Beyond that, I wish APHIS or any other agency
10 good luck in trying to sell a New Englander on the
11 merits of yet another layer of bureaucracy. As
12 northerners, we suspect that a primary role of any
13 government agency is to consolidate and preserve its
14 own power and to increase its size and involvement to
15 the point of maximum inefficiency.

16 On the other hand, we as health professionals
17 along with our business savvy clients are well aware of
18 the scientific, economic, legal and political
19 complexities that are collectively faced by aquaculture
20 as an expanding industry. Generally speaking, I do
21 believe that American aquaculture products overall and

1 Maine based products in particular can ultimately be
2 enhanced through participation in health quality
3 assurance and control programs that are in line with
4 international standards.

5 As local, regional and international
6 requirements dealing with aquatic stock health are
7 progressively developed by an ever increasing number of
8 would be regulatory agencies, it is becoming clear to
9 many of us in the aquaculture sector who deal with
10 often inconsistent and exclusionary international
11 importation regulations that U.S. aquaculture concerns
12 will be best served through one lead oversight agency.

13 As a veterinarian in theory, I support USDA
14 APHIS as that overseer. With APHIS' experience in
15 developing effective programs for other areas of
16 livestock, health and productivity management, I think
17 APHIS as an agency has the best potential chance of
18 successfully facilitating international importation and
19 exportation guidelines for U.S. aquaculture concerns.

20 However, that said, there are many questions
21 and areas of concern about what, where, when and how

1 and essentially -- of aquaculture regulations will be
2 created and successfully implemented. I propose there
3 are at least 12 areas that will merit rapid attention
4 if APHIS is to clear the various hurdles of
5 establishing itself as the lead agency for aquaculture.
6 These are listed in the paragraphs I'm going to refer
7 to below, but not necessarily in order of importance.

8 I have a few comments I'd like to make about
9 each general issue in turn. Obviously each topic
10 deserves more than a 30 second discussion, but I feel
11 it's important to stress the need for APHIS to clarify
12 its position on these topics as soon as it can since
13 the agency is moving ahead with its development plans.

14 First, semantics. I think the very
15 definition of aquaculture has to be even more carefully
16 crafted than the current APHIS wording as "the managed
17 production of aquatic plants and animals," since that
18 is a fairly vague characterization.

19 For instance, does that definition include
20 lobsters? Because at some point in their life cycle,
21 those animals could be considered managed for

1 production in lobster pounds. Similar questions might
2 be asked for similar species.

3 Two, the scope of programs. This is related
4 to the definition of aquaculture and on that topic, the
5 scope of inclusion for APHIS' national aquaculture
6 program need to be better elucidated. In addition to
7 traditional fin fish species cultivated for
8 consumption, there are many areas of managed production
9 that might or might not fall under APHIS' oversight,
10 including shell fish, ornamental fish, bait fish,
11 research fish at academic and medical institutions and
12 cultural operations and zoos and aquariums developed
13 for conservation or other purposes.

14 Exemptions and exclusions from regulatory
15 oversight will need to be carefully considered in
16 drafting both the definition and scope of the national
17 aquaculture program. I personally recommend that in
18 defining the nature and scope of coverage, that APHIS
19 will need to clarify regulatory distinctions for
20 species cultivated in the flow through or recirculating
21 systems in both fresh and salt water since they are

1 varied interactions to consider with wild animal and
2 plant populations and the environment.

3 There should also be distinctions between
4 species or populations raised for commercial sales,
5 private consumption or research purposes. APHIS has
6 asked for input on whether to include shell fish in the
7 proposed aquaculture program and I would respond with a
8 qualified "yes" on an initial voluntary certification
9 basis only subject to the topics covered in succeeding
10 sessions.

11 Three, regulatory impact. The determination
12 of the regulatory impact of APHIS proposed national
13 aquaculture program should be clearly outlined. Since
14 the agency asked for input on whether voluntary or
15 mandatory participation should exist, I recommend that
16 a voluntary APHIS certification program be developed
17 and implemented before any mandatory compliance is
18 contemplated.

19 The economic impact of compliance with any
20 certification program should receive careful analysis,
21 since most aquaculture operations in Maine or many

1 others elsewhere are not capable of assuming additional
2 financial burdens associated with health inspections or
3 certification.

4 Any licensing or testing fees where
5 applicable should be detailed well in advance of the
6 inception of any regulatory requirements and available
7 for public inspection and comment.

8 Fourth, policy development. APHIS has
9 indicated that it has reviewed its rule making options
10 and doesn't consider negotiated rule making to be a
11 viable approach. But I disagree with at least two of
12 the reasons that agency listed in its publication of
13 November 22nd, 2000 in the Federal Register.

14 The large collective size of aquaculture and
15 the expense of identifying and negotiating with all
16 potential representatives were cited as prohibitive
17 factors for utilizing negotiated rule making.

18 However, considering the extremely broad and
19 diverse scope of aquaculture in the U.S. right now,
20 much less how that growth industry will look in five or
21 ten years, and also looking at the historical

1 development of general agricultural oversight by the
2 USDA, I think negotiated rule making is appropriate,
3 though not on an individual farmer or company basis.

4 By the same token, the existing joint
5 subcommittee on aquaculture is itself too broad and
6 nonrepresentative -- to be relied upon to single-
7 handedly develop aquaculture policy.

8 I therefore recommend that five regional
9 commissions, one each for the northeast, southeast,
10 central states, northwest and southwest be chartered
11 with perhaps ten seats on each commission to be made up
12 of representatives from regional, state and federal
13 regulators, academic and research institutions, private
14 aquaculture industry and public interest groups.

15 APHIS administrators could rotate as
16 oversight coordinators for these committees. Each
17 regional group would be responsible for soliciting and
18 -- inputs from its respective aquaculture constituents
19 which would then be forwarded as recommendations for
20 APHIS' policy making considerations.

21 As for the cost of rule making, I believe any

1 regulatory agency as a responsible partner with the
2 sector it seeks to regulate should be prepared to fully
3 fund accessible public discussion and input.

4 Five, jurisdictions. Interstate transfer --
5 intrastate transfer or certifying regulation of
6 aquaculture should be left to individual states. As a
7 key justification factor to promote its desired
8 oversight of aquaculture, APHIS has cited the
9 facilitation of interstate and international commerce
10 for aquaculture products.

11 However, there are 50 states with aquaculture
12 potential in the U.S. and those states with any
13 existing regulations governing aquaculture have
14 developed and administered them through a variety of
15 nonstandardized mechanisms.

16 Certainly in the areas of salmonid and other
17 commercial fin fish health certifications, many states
18 do not currently recognize non AFS certifications for
19 fish or egg importation.

20 Rather than develop another certifying
21 protocol to impose over existing standards, I suggest

1 that APHIS coordinate its certification programs, even
2 voluntary ones, with those of APHIS, I mean AFS and
3 neighboring Canada's fish health protection
4 regulations.

5 The next step would then to be to cross
6 certify existing AFS and title 50 inspectors, an
7 internet based compendium of all existing state
8 importation requirements could be easily assembled to
9 help facilitate this end.

10 In addition, the recognition of the unifying
11 competent authority for the U.S. and the international
12 -- is of great importance in promoting the exportation
13 of American aquaculture products. Therefore, further
14 coordination will be necessary with the European union
15 and OIE policies as well.

16 Draft documents such as aquaculture
17 modifications to uniform -- rules should be of high
18 priority for APHIS to develop as soon as possible. I'd
19 also urge that APHIS indicate whether OIE regulations
20 are to be adopted as the U.S. standard for
21 international commerce as soon as possible.

1 Time line, number six. The time frame for
2 accomplishing many of APHIS' stated initial goals is
3 currently estimated by the agency at a minimum of two
4 to three years, but realistically it could be much
5 longer.

6 I believe the timing of policy development,
7 however, should be independent of other considerations
8 and should proceed as swiftly as possible both to
9 establish a good working relationship with various
10 aquaculture sectors and to foster international
11 confidence and respect.

12 I would suggest that many aspects of existing
13 aquaculture practices which might fall under eventual
14 APHIS purview could be temporarily or permanently
15 exempted under a grandfather clause or phased in
16 gradually as agency resources permit.

17 Depending on the variables it elects to
18 undertake, APHIS would do well to avoid a narrow focus,
19 as for instance, primarily on fin fish culture
20 operations and develop its programs and time lines on a
21 broader basis.

1 Seven, infrastructure development. APHIS'
2 proposing oversight of an industry collectively worth
3 billions of dollars spread geographically over millions
4 of square miles and employing many thousands of people,
5 the agency's current capacity to administer a program
6 on this scale is probably as we say in our laboratory,
7 "below detectable levels."

8 Personnel, laboratory, resources, experience,
9 expertise and availability will all potentially be in
10 short supply, even if the proposals are fully funded.
11 Assuming less than full funding will occur, I firmly
12 believe it is better to do less well than to do more
13 poorly and I would suggest it would be good to commit
14 intra agency funding now to additionally train area
15 veterinarians in charge and to create the minimum
16 number of new positions necessary to affect the maximum
17 amount of short-term quality assistance that might be
18 reasonably expected. Laboratory and other ancillary
19 infrastructure components are discussed in the next
20 section.

21 Number eight, pathogens and diseases. The

1 identification, monitoring, control and/or prevention
2 of important aquatic pathogens will be an essential
3 component of the management plan for any and all
4 aquatic cultured species of animals and plants.

5 Of the proposed oversight agency as well as
6 competent authority for U.S. aquaculture, APHIS will
7 need to have effective and cost effective programs in
8 place for each of these aspects of a rationale approach
9 to developing an aquatic animal health plan.

10 Since preventing disease has been cited as
11 one of the primary justifications for establishing
12 itself as an oversight agency, APHIS should be prepared
13 to follow through with its goals.

14 There are many pathogens that are
15 incompletely characterized or whose role in
16 pathogenesis and disease are incompletely understood or
17 not known. In addition, there are many emerging
18 pathogens even less well studied.

19 It will be extremely important to commit
20 adequate resources to better quantify and qualify these
21 organisms. The development of a national health

1 database in the first year of the proposed program
2 would be an important first step to corner and
3 disseminate information on aquatic animal and plant
4 health issues.

5 Likewise, statistically based surveillance
6 and monitoring protocols should be developed for both
7 cultured and in conjunction with U.S. Fish and Wildlife
8 or our National Marine Fishery Service, wild
9 counterpart populations of various species.

10 This will cost a considerable amount of
11 money, but in addition to a positive effect on U.S.
12 aquatic organism health, it will also be necessary to
13 align U.S. exports with EU or OIE standards. As an
14 integral part of this plan development, disease
15 eradication protocols including movement restrictions,
16 quarantine or slaughter may be necessary to protect
17 local or regional farms and/or public health from
18 catastrophic consequences of disease -- just as in
19 terrestrial agriculture.

20 APHIS should be prepared to help establish
21 indemnity funding for such eventualities to increase

1 compliance with its protocols. The necessity to
2 prepare for -- aquaculture is more pronounced than in
3 other forms of agriculture since the physical
4 environment of an aquatic system is generally less able
5 to be easily manipulated in land based systems and
6 morbidity or mortality from disease may quickly become
7 astronomically high for many aquatic species.

8 Simultaneously along with the items mentioned
9 above, thorough -- oriented biosecurity plans, best
10 management plans and risk assessment protocols will
11 need to be developed for a whole new cast of pathogens
12 facing aquatic cultured species.

13 APHIS has good experience with terrestrial
14 disease programs, but these skills will not transfer
15 laterally to aquaculture with ease. Considerable
16 funding will be necessary to provide the required
17 resources to effectively manage such situations in the
18 aquatic environment.

19 Nine, standardization. As oversight agency,
20 APHIS and the National Veterinary Services Lab would be
21 jointly responsible for the development of providing

1 standardized agents, antibodies, PCR primers, --,
2 operation protocols and validation of tests for many
3 new pathogens and diseases.

4 While APHIS has indicated its willingness to
5 certify other laboratories for the provision of aquatic
6 diagnostic and certification services, we at
7 Microtechnologies believe that government and
8 nongovernment facilities should be held to similar
9 standards for meeting USDA approval requirements.

10 Because of the amount and quality of the
11 necessary testing to meet international standards, it
12 will be necessary to work closely with private
13 laboratories to establish an adequate national
14 laboratory resource.

15 Ten, interagency coordination. Because of
16 the integral ties between agriculture -- I mean
17 aquaculture operations and environmental quality,
18 various endangered species listings and food animal
19 considerations, it will be necessary for any lead
20 agency for aquaculture to coordinate scientific and
21 management protocols with many other government

1 agencies including U.S. Fish and Wildlife, National
2 Marine and Fishery Service, Environmental Protection
3 Agency, Food and Drug Administration and other sectors
4 of USDA

5 In addition, because of aquaculture
6 expertise, such resources as the American Fisheries
7 Society, the CSREES, the ABMA's aquaculture and seafood
8 advisory committee and many others too numerous to name
9 should be solicited for policy development and
10 technical inputs.

11 I would recommend that all participating
12 agencies delegate permanent representatives or liaisons
13 to an aquaculture task force overseen by APHIS'
14 aquaculture coordinator in order to facilitate the
15 transition from the current multilayered administrative
16 nightmare.

17 Number 11, miscellaneous. There are many
18 other aspects of administering a national aquaculture
19 program that could be mentioned, including the
20 necessity to develop and coordinate enhanced predator
21 and parasite control programs for many cultured species

1 of plants and animals.

2 In addition to the continuing regulation of
3 biologics for aquatic species, APHIS will need to
4 establish and enforce its jurisdiction for importing
5 exotic viruses for research. Genetic policy
6 determinations for such areas as triple AD and other
7 genetic modifications should be pursued in conjunction
8 with other agencies.

9 Antibiotic use policies on aquatic species
10 and environmental jurisdictions as they pertain to
11 aquaculture leaseholders should also receive expedited
12 multiagency review.

13 And last, budget and funding. This is not my
14 domain, but if most of the aspects of what has been
15 mentioned in this discussion were to be even minimally
16 developed and implemented on a voluntary certification
17 basis, I would conservatively estimate initial
18 administrative field and laboratory cause in excess of
19 ten million dollars annually for a comprehensive
20 national aquaculture program.

21 I haven't seen a detailed budget proposal

1 from APHIS for its proposed program, but I think that
2 as part of its public commentary solicitations, a line
3 item budget should be drafted as soon as possible and
4 published for public review.

5 Again, I thank USDA APHIS for coordinating
6 this comment session and I look forward to hearing
7 other viewpoints about the agency's proposed program as
8 well as any responses from APHIS to clarify the issues
9 I've mentioned here.

10 APHIS has made good initial progress towards
11 establishing itself as the lead aquaculture agency for
12 the U.S., but as I have attempted to point out, there
13 are many specific questions about how and how well that
14 end will be accomplished.

15 I also urge all parties in the aquaculture
16 field to take advantage of these input sessions to
17 forward their questions and concerns on this very
18 important matter. Thank you.

19 MR. MILLER: Thank you very much. Two
20 clarification statements I want to make. Dr. Mara, I
21 appreciate the specifics and the technical details that

1 you provided. We need that, and if you don't want to
2 read it, just provide it to us in hard copy, that's
3 important.

4 However, if you gave it to us before, we
5 won't need it again. We consider every comment very
6 seriously. And we do want your comments and we're not
7 expecting your agreement, but we want your comments.

8 The purpose of these hearings, and I guess
9 because I've been in Congress for the last 60 days I
10 keep wanting to say "hearing" because that's what I've
11 been involved in, but these are actually public
12 meetings.

13 The purpose of these public meetings is for
14 the very thing of what some people have said. We
15 appreciate the concern, we appreciate when you agree
16 and don't agree. But what we really need is solutions,
17 ideas and what you would like to see done to shape this
18 to become what you would like for it to be. That's
19 really what we need.

20 You can make philosophical statements, but
21 the concrete aspect of the science, we would really

1 appreciate. I want to list the remaining meetings that
2 we're going to have, we've got five. I'll give you the
3 location and I'll give you the month.

4 I try to give you as we are doing now, the
5 meeting that we're holding in conjunction with to try
6 to be right in the back door of the industry and those
7 in that region who would like to provide information
8 for us to hear.

9 But before I do that, again, are there any
10 persons that would like to comment that maybe declined
11 earlier or didn't sign and now would like to say
12 something? This will be your last opportunity, at
13 least for this meeting. Okay.

14 It is 6:30, we are officially closing
15 comments from the audience. Now we'll read to you the
16 remaining meetings that will take place.

17 I'm reading from the handout and I
18 specifically want to go on record thanking the New
19 England Farm Fish Health Workshop, particularly Mike
20 Opitz for his dedication and helping and suggesting and
21 coordinating us working in conjunction with him. And

1 Sam and Susan McDonald, very instrumental and I
2 appreciate all the efforts that they've done to have
3 this -- to come forward.

4 In that document which is from our federation
5 notice, you have this information so you know where I'm
6 reading from. In Idaho we will be there in June. It
7 will be held in conjunction with the Idaho aquaculture
8 association annual meeting.

9 In September we'll be in Washington in
10 conjunction with the Pacific Coast Shellfish Growers
11 Association. This is also an annual conference.

12 We'll be busy in October. I don't have the
13 dates yet, but it looks like we're meeting three times
14 in October, three different locations. The
15 Pennsylvania Aquaculture Advisory Committee and the
16 Pennsylvania Aquaculture Association annual meeting,
17 that's the first one in October.

18 The second one will be in Mississippi. This
19 is the Catfish Farmers of America annual meeting. And
20 the third October meeting in Arkansas held in
21 conjunction with again, Catfish Farmers of Arkansas.

1 We will continue to publish as we have done
2 thus far in the Federal Register. Those that I just
3 mentioned when we get more specifics with dates, et
4 cetera, contact information and of course the
5 proceedings, I hope I've got them all recorded properly
6 here. I will also put on the web site that I called
7 out, all of them are put there.

8 So again, I would like to turn the closing
9 remarks over and I'm very appreciative of having the
10 area veterinarian in charge, Dr. Bill Smith. And
11 again, for those in this state, he will be your contact
12 to further these programs. You can send information to
13 me directly or you can send it to him. We appreciate
14 the time you've taken to sit with us after a long day.
15 Dr. Schmidt, would you close out with any comments you
16 would have?

17 MR. SCHMIDT: I just want to thank everyone
18 for participating. It's a key that you speak your mind
19 and share your ideas with us at this point in time. If
20 someone wants to get ahold of me, I'm located in
21 Sutton, Massachusetts. My telephone number is 508-865-

1 1421, but most people know me, you can get -- Steve
2 Ellis can get ahold of me real quick and Mike Obison
3 and anyone else. But I'm located in Sutton,
4 Massachusetts and I plan to be in New England for a
5 long time. So thank you very much, have a good
6 evening.

7 MR. MILLER: Thank you again.

8 (Whereupon, at 6:40, the public meeting
9 was concluded.)

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